

88. (Amended) The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

89. (Amended) The computer program product of claim 86, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

---

REMARKS

Favorable reconsideration of the present application in light of the following discussion is respectfully requested.

Claims 50-89 are presently active in the case, with Claims 57, 58, 59, 67, 68, 69, 77, 78, 79, 87, 88 and 89 amended to correct discovered informalities.

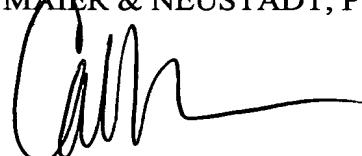
The present amendment is being filed along with a Supplemental Appeal Brief and declarations of Michael C. Scroggie and Noel Heal under 37 C.F.R. §1.131 including Exhibits A and B filed in the child case serial number 09/505,632 and submitted herewith which establish that Allsop et al, U.S. Patent No. 5,970,472, filed May 13, 1997, is not prior art. In this respect, Applicants request that the present Amendment and the declarations of Michael C. Scroggie and Noel Heal under 37 C.F.R. §1.131 be entered prior to the entering of the Supplemental Appeal Brief.

Applicants submit that the claimed invention, as recited in Claims 50-89, is patentably distinguishable over Sloane, alone or in combination with Allsop et al, as is argued in the Supplemental Appeal Brief.

Consequently, in view of the present amendment, the Supplemental Appeal Brief and the declarations of Michael C. Scroggie and Noel Heal under 37 C.F.R. §1.131, the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAYER & NEUSTADT, P.C.

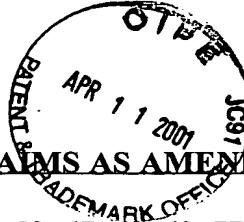


Carlos R. Villamar  
Registration No. 43,224



**22850**

(703) 413-3000  
Fax #: (703) 413-2220  
I:\atty\CRV\7791\77910052.am; RAN:CRV:abs



Marked-Up Copy
Serial No: 09/873,974
Amendment Filed on: 4/11/1

**MARKED-UP COPY OF CLAIMS AS AMENDED IN SERIAL NO. 09/873,974 4/11/1**

Please amend Claims 57, 58, 59, 67, 68, 69, 77, 78, 79, 87, 88 and 89, as follows:

--57. (Amended) The system of claim [55] 56, wherein said incentive data is based on said consumer specific data comprising a shopping history of said consumer.

58. (Amended) The system of claim [55] 56, wherein said incentive data is based on said consumer specific data comprising demographic data of said consumer.

59. (Amended) The system of claim [55] 56, wherein said incentive data is based on said consumer specific data comprising customer profile data of said consumer.

67. (Amended) The process of claim [65] 66, further comprising:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

68. (Amended) The process of claim [65] 66, further comprising:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

69. (Amended) The process of claim [65] 66, further comprising:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

77. (Amended) The system of claim [75] 76, further comprising:

means for basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

78. (Amended) The system of claim [75] 76, further comprising:

means for basing said incentive data on said consumer specific data comprising demographic data of said consumer.

79. (Amended) The system of claim [75] 76, further comprising:

means for basing said incentive data on said consumer specific data comprising customer profile data of said consumer.

87. (Amended) The computer program product of claim [85] ~~86~~, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer.

88. (Amended) The computer program product of claim [85] ~~86~~, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising demographic data of said consumer.

89. (Amended) The computer program product of claim [85] ~~86~~, said computer program further performing the steps of:

basing said incentive data on said consumer specific data comprising customer profile data of said consumer.--.

I:\atty\CRV\7791\77910052.am; RAN:CRV:abs